

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA,     )**

**PLAINTIFF,                             )**

**VS.                                             )             2:06-cr-333-JHH-HGD**

**NORMAN OLIVER GRANT,             )**

**DEFENDANT.                             )**

**ORDER**

On September 11, 2006 Magistrate Judge Davis conducted an evidentiary hearing on the August 31, 2006 motion (Doc. #9) of defendant to suppress. Judge Davis filed his report and recommendation (Doc. #14) the same day, recommending that the motion to suppress be denied. On September 21, 2006 counsel for Grant filed objections (Doc. #21) to the report and recommendation which are largely a restatement of similar objections (Doc. #22) filed by Grant himself the same day. The objections focus on the insufficiency of the January 26, 2006 affidavit of Detective Heath Boackle which was the basis for the issuance of the search warrant by state Circuit Judge Gloria Bahakel. While Magistrate Judge Davis correctly evaluated United States v. Leon, 468 U.S. 897 (1984), such was

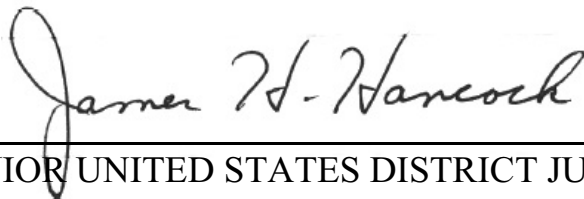
not necessary. Magistrate Judge Davis had correctly concluded that Circuit Judge Bahakel had before her ample evidence which satisfied the “probable cause” requirement of the Fourth Amendment when considered under the totality of the circumstances. Illinois v. Gates, 462 U.S. 213 (1983).

Having now carefully reviewed and considered the objections and the report and recommendation of Judge Davis, such objections are **OVERRULED**, the report is hereby **ADOPTED**, and the recommendation is **ACCEPTED**.

Consequently, the motion to suppress (Doc. #9) is hereby **DENIED**.

This case **remains set for trial Monday, October 2, 2006**.

**DONE** this the 25th day of September, 2006.

A handwritten signature in black ink, reading "James H. Hancock". The signature is written in a cursive style with a large, looping initial "J".

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SENIOR UNITED STATES DISTRICT JUDGE